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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,095	04/08/2004	Cammi A. Bruton	5097-0001	8984
28777	7590	05/04/2005	EXAMINER	
MICHAEL L. DIAZ, P.C. 555 REPUBLIC DRIVE, SUITE 200 PIANO, TX 75074			HOESLY, RYAN C	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.		Applicant(s)	
	10/821,095		BRUTON, CAMMI A.	
	Examiner		Art Unit	
	Ryan C. Hoesly		3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: strap adjusters (28) are disclosed in the specification as being shown in Figure 2 (paragraph 0014, line 6), however, Figure 2 does not show this feature. Additionally, Figure 2 does not even show near shoulder strap (20) to which the adjuster corresponds. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-4, 6, 7, 10, and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al (US 4436233). Hill teaches a baby carrier that includes a harness (12), which forms two apertures for the infant's legs and has a back support (54). The harness is supported on an individual's hip and is secured by two straps (14 and 16). The strap attached to the top of the harness (14) crosses the chest region and the back region as it is supported by the shoulder opposite the hip that the harness is supported on and has length-adjusting means (38). The other strap (16) is disclosed as encircling the waist of an individual, however, it would be perfectly capable of being supported on the shoulder nearest the harness. The near shoulder strap has length-adjusting means (40). The Hill device has the same structure as that disclosed by applicant and would be capable of performing in the same manner. Hill does not disclose that the carrier is limited to being used on one side of an individual, therefore, depending on which hip the harness is supported on, the length-adjusting means could be located on the front of the individual and thus, being located on the chest and accessible while wearing.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US 4436233) as applied to claims 1-4, 6, 7, 10, and 13-20 above, and further in view of

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Fischer (US 4487346). Fischer teaches an infant sling-type carrier that includes a harness (20) supported on the hip of an individual and secured by two shoulder straps (18 and 42). The shoulder straps have padding (32) where the strap impacts the individual's shoulder.

The addition of padding in shoulder straps is known in the art as illustrated by Fischer. It would have been obvious to one skilled in the art at the time of invention to add padding to the shoulder straps as in the technology of Fischer to the Hill device.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US 4436233) as applied to claims 1-4, 6, 7, 10, and 13-20 above, and further in view of Elf (US 4428514). Elf teaches an infant carrier that, as shown in Figure 9, is capable of being oriented on the hip of an individual. The Elf device has a harness (4) supported by straps (7) that are adjustable via adjusting means (11) located on the outside surface of the harness.

As shown by Elf, strap-adjusting means may be placed where they can be conveniently utilized. The Hill strap-adjusting means could be located on the straps in front of the user so that they are easily accessible. If it was desired to have the adjusting means in a fixed location rather than sliding on the strap, it would have been obvious to one skilled in the art at the time of invention to attach the adjusting means to the carrier of Hill as in the technology of Elf.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US 4436233) as applied to claims 1-4, 6, 7, 10, and 13-20 above, and further in view of Christopher et al (US 6182873). Christopher teaches an infant carrier with a harness

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(12) that is supported on the hip of an individual and has a shoulder strap. The shoulder strap includes straps (46, 48, and 50) and shoulder wrap (60) that is a widened are for placement and cupping on the shoulder of an individual. It would have been obvious to one skilled in the art at the time of invention to utilize a shoulder cupping means as in the technology of Christopher in the device of Hill in order to provide means for the shoulder strap to cup the shoulder and be retained in one place.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US 4436233) as applied to claims 1-4, 6, 7, 10, and 13-20 above, and further in view of Aleman (US 4637535). Aleman teaches a carrying strap for cameras and the like that includes two shoulder straps (15 and 18) that have a structure similar to the Hill straps and are capable of carrying an object such as a harness. Aleman discloses a shoulder strap with a piece of material (24) that is connectable for creating a loop capable of retaining objects.

9. The piece of material affixed to the shoulder strap disclosed by Aleman would be perfectly capable of wrapping around a member of a shopping cart in order to retain the strap assembly in place. Connectable pieces of material attached to straps are known in the art for securing a strap to an object or connecting two straps. Because both Aleman and Hill disclose common strap assemblies for retaining objects, it would have been obvious to one skilled in the art at the time of invention to utilize a connectable piece of material attached to a strap as in the technology of Aleman in order to provide the Hill device with means for connecting the straps to each other and to other objects such as shopping carts.

Conclusion

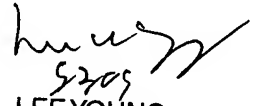
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bicheler et al (US 5178309) teaches an infant carrier that is capable of being used as a carrier on an individual and within a shopping cart.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (571)-272-6083. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (571) 272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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